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June 22, 2023

VIA ECF

The Honorable Paul G. Gardephe
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Guelda Brown v. *Montefiore Medical Center, et al.*
Case No. 1:18-cv-03861-PGG-KHP

Dear Judge Gardephe:

This firm represents the Defendants Montefiore Medical Center, Aretha Mack, Veronica Crute, and Anthony Leung ("Montefiore Defendants") in the above-referenced matter. On Friday, June 16, 2023, we were contacted by Your Honor's Clerk and asked to file a complete copy of the transcript of the deposition of Plaintiff Guelda Brown for the Court to review in connection with the Montefiore Defendants' pending motion for summary judgment (ECF Nos. 91-97).

To protect the confidentiality of documents and information regarding Plaintiff's medical condition, certain portions of her deposition transcript were designated as confidential. Consequently, we write in accordance with Section II.B of Your Honor's Individual Rules of Practice in Civil Cases to request that the Montefiore Defendants be permitted to file the deposition transcript with certain portions redacted. The only portions of the deposition that we propose be redacted are those portions which deal with Plaintiff's medical condition, and which were marked "Confidential" per agreement of the parties.

In accordance with Your Honor's Individual Rules, we are publicly filing the deposition with the proposed redactions and electronically filing under seal a copy of the unredacted deposition and with the redactions highlighted.

For the reasons set forth above, we respectfully request that the Court approve the redacted filing of Plaintiff's deposition transcript.

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We thank Your Honor for your consideration.

Respectfully submitted,

/s/ Jean L. Schmidt

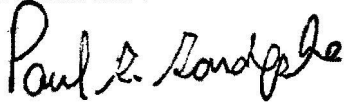
Jean L. Schmidt

cc: Gelda Brown (via Fed-Ex)

MEMO ENDORSED:

As stated in this Court's Individual Rules of Practice in Civil Cases, to be approved, any redaction or sealing of a court filing must be narrowly tailored to serve whatever purpose justifies the redaction or sealing and must be otherwise consistent with the presumption in favor of public access to judicial documents. See, e.g., Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 119-20 (2d Cir. 2006). In general, the parties' consent or the fact that information is subject to a confidentiality agreement between litigants is not, by itself, a valid basis to overcome the presumption in favor of public access to judicial documents. See, e.g., In re Gen. Motors LLC Ignition Switch Litig., No. 14- MD-2543 (JMF), 2015 WL 4750774, at *4 (S.D.N.Y. Aug. 11, 2015). While discussion of Plaintiff's medical records, treatment, and diagnoses are proper subjects for redaction, the parties must narrowly tailor their proposed redactions to this information, rather than redact full pages of Plaintiff's deposition. Accordingly, Defendants' motion to seal is denied without prejudice. Any further motion to seal will be filed by **July 19, 2023**.

SO ORDERED.



Paul G. Gardephe
United States District Judge

Dated: July 12, 2023